

GREENWOOD COMMON COUNCIL

ORDINANCE NO. 13-58

**AN ORDINANCE AMENDING THE GREENWOOD MUNICIPAL CODE (1993),
CHAPTER 6, ARTICLE 6, SECTION 6-277 REGARDING NOISE REGULATIONS**

WHEREAS, the City of Greenwood has the authority to adopt ordinances regulating the generation of sound within its jurisdiction pursuant to Ind. Code § 36-8-2-8;

WHEREAS, the Common Council has previously adopted Municipal Code Section 6-277 regulating noises within the City's corporate limits;

WHEREAS, the Board of Public Works and Safety, on or about August 19, 2013, requested that staff draft an amendment to the City's noise regulations for the Council's consideration; and

WHEREAS, the Common Council having reviewed the suggested amendments by the Board of Public Works and Safety, and having being otherwise duly advised in the premises, finds that such amendments are proper and in the best interests of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF GREENWOOD, INDIANA, AS FOLLOWS:

Section 1. Greenwood Municipal Code, Chapter 6, Article 6, Section 6-277 "Noise Regulations" is hereby deleted in its entirety and replaced with language to read as follows:

Sec. 6-277 Noise Regulations.

- (a) *Prohibited Noise.* It shall be unlawful for a person to make any loud, raucous, improper, unreasonable, offensive, or unusual noise, disorder, or tumult which disturbs, injures, or endangers the comfort, repose, health, peace or safety of others within the City or to permit such noise, disorder, or tumult to be made in or about his/her house or premises and the same is hereby declared to be a public nuisance. Further, it shall be the duty of every owner, occupant, manager, agent, or operator of any property, structure, vehicle, or business in the City to prevent persons using property under his/her control from violating this Section.
- (b) *Examples of Prohibited Noise.* The following acts, uses, or noises, subject to certain specific exemptions are declared to be loud, raucous, unreasonable, or disturbing noises in violation of this Section. This list is intended to be illustrative and not exhaustive.
1. Using, operating, or permitting to be played, used, or operated any machine or device for reproducing of sound in such a manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants or at any time louder than is necessary for the convenient hearing for the person who is in the room, vehicle, or property in which such machine or device is operated and who is a voluntary listener.
 2. Using, operating or permitting the use or operation of any machine, instrument, or device capable of producing or reproducing sound which is cast upon other properties, including the public right-of-way for the purposes of commercial advertising or to attract attention to any activity, performance, sale, place, or structure.
 3. Using, operating, or permitting to be played, used or operated any machine or device for the producing or reproducing of sound on any public right-of-way adjacent to any school, institution of higher learning, church, or court while the same are in use, or adjacent to any hospital that unreasonably interferes with the working of such institution or which unduly disturbs patients in the hospital.
 4. Playing, using, operating or permitting to be played, used, or operated any machine or device for the producing or reproducing of sound, if it is located in or on any public property, including public right-of-way, highway, building, sidewalk, park, trail, or thoroughfare if the sound generated is audible at a distance of thirty (30) feet from its source.
- (c) *Exemptions.* The following shall be exempted from the provisions of this Section.
1. Sound emitted from sirens of authorized emergency vehicles.

2. Lawn mowers, garden tractors, similar home power tools, and commercial construction equipment when properly muffled between the hours of 7:00 a.m. and 9:00 p.m.
 3. Alarm systems or other warning devices when properly installed on publicly or privately owned property provided that the cause for such alarm or warning device is investigated and turned off within a reasonable period of time.
 4. Celebrations on legal holidays between the hours of 8:00 a.m. and 8:00 p.m. excepting on Halloween such celebrations may occur until 10:00 p.m., Independence Day until 11:00 p.m., and on New Year's Eve until 1:00 a.m. on New Year's Day and sounds related to the legal use of fireworks in accordance with state law.
 5. Parades, festivals, and special events approved and sanctioned by the appropriate City board or commission, including, but not limited to, the Board of Public Works and Safety, the Park and Recreation Board, and the Board of Aviation Commissioners.
 6. Attendant noise connected with the performance of athletic or sporting events and practices related to them.
 7. Attendant noise connected with an artistic, musical or other educational event occurring on school property.
 8. The emission of sound for the purposes of alerting persons to the existence of an emergency or for the performance of emergency work.
 9. Sounds associated with the normal conduct of legally established non-transient businesses when such sounds are customary, incidental, and within the normal range for such use.
 10. Sounds associated with the use and operation of the Greenwood Municipal Airport.
 11. In the case of motor vehicles, where the noise is the result of a defective or modified exhaust system, if the cause is repaired or otherwise remedied within seven (7) calendar days except that nothing in this section shall exempt individuals from the requirements of Ind. Code § 9-19-8 *et. al.*
- (d) *Waiver.* A person may apply for a waiver from the requirements of this Section to the Board of Public Works and Safety which may grant such a waiver in its sole discretion when it deems it to be in the public interest. Such waiver must specify the property, date, and hours for which it applies.

(e) *Penalties.*

1. Any person who violates the provisions of this Section shall be subject to the following fines (escalating fines shall be measured on a calendar year basis):

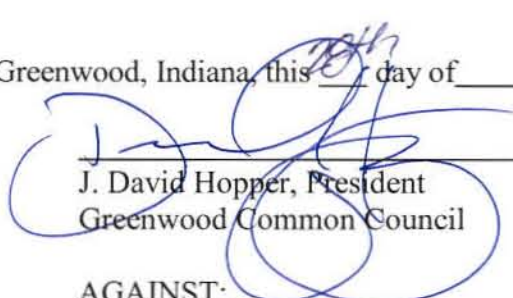
First Offense:	\$50.00
Second Offense:	\$150.00
Third Offense:	\$300.00
Subsequent Offenses:	\$1,000.00
2. Each day a violation occurs shall constitute a separate offense.
3. Enforcement of first offense within a calendar year shall be within the jurisdiction of the Ordinance Violations Bureau.
4. All enforcement of offenses subsequent to the first offense within a calendar year shall be within the jurisdiction of the Greenwood City Court.
5. A custodial parent shall be responsible for ensuring that any child under eighteen (18) years of age complies with this Section and is responsible for any fine imposed.
6. Citations for violation of this Section may be issued by any sworn member of the Greenwood Police Department, City Code Enforcement officers, or designated Park employees and, additionally, in or on school property, by any sworn special police officer appointed under Ind. Code § 36-8-3-7.

Section 2. All prior ordinances inconsistent herewith are hereby repealed to the extent they are inconsistent. This Ordinance shall have no effect upon any other sections of the Greenwood Municipal Code (1993) or ordinances not specifically changed by this Ordinance, except as herein provided, and all other sections of the Greenwood Municipal Code (1993), not inconsistent herewith shall remain the same.

Section 3. The sections, paragraphs, sentences, clauses, phrases and words of this Ordinance are separable, and if any word, phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a Court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs and sections of this Ordinance.

Section 4. This ordinance shall be in full force and effect after its passage, approval and publication according to law.

Passed by the Common Council of the City of Greenwood, Indiana, this 28th day of October, 2013.


J. David Hopper, President
Greenwood Common Council

FOR:

AGAINST:



Linda S. Gibson



Ezra Hill



Bruce Armstrong



Ronald Bates



J. David Hopper



Thom Hord



Michael Campbell



Brent Corey

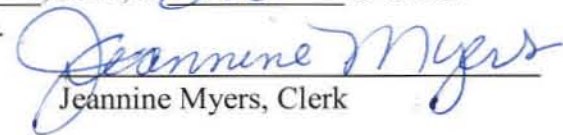


Tim McLaughlin

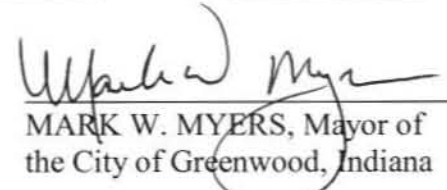
ATTEST:


Jeannine Myers, Clerk

The foregoing within and attached Ordinance passed by the Common Council of the City of Greenwood, Indiana, on the 28th day of October, 2013, is presented by me this 29th day of October, 2013, at 8:00 O'Clock A.M., to the Mayor of the City of Greenwood, Indiana.


Jeannine Myers, Clerk

The foregoing within and attached Ordinance passed by the Common Council of the City of Greenwood, Indiana, on the 28th day of October, 2013, is signed and approved by me this 29th day of October, 2013, at 10:00 O'Clock A.M.


MARK W. MYERS, Mayor of
the City of Greenwood, Indiana